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Paper No. 8

FINNEGAN, HENDERSON, FARABOW, GARRETT &  
DUNNER LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

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**OFFICE OF PETITIONS**

In re Application of	:	
Sakagami et al.	:	
Application No. 10/051,098	:	DECISION GRANTING
Filed: January 22, 2002	:	PETITION
Attorney Docket No. 4853.0023-02	:	

This is a decision on the petition filed March 21, 2002, to accord the above-identified application a filing date of January 22, 2002.

On January 22, 2002, the application was deposited.

On February 12, 2002, the Office of Initial Patent Examination mailed a Notice stating that drawings were missing and that a filing date would be accorded upon receipt of drawings.

In response, the present petition alleges that the drawings were inadvertently omitted. However, the transmittal sheet incorporated by reference the entire disclosure of the parent application. The petition states, "the attached drawings are part of prior Application No. 08/949,038."

The Office allows an applicant to rely upon an incorporation by reference of a parent application when a portion of the child application has been inadvertently omitted.

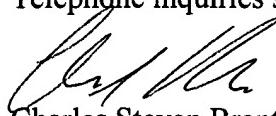
Based on the incorporation by reference, it appears that drawings were present in the Office on January 22, 2002, albeit in the file of another application, i.e., application No. 08/949,038. Therefore, on petition, the application may be accorded the requested filing date of January 22, 2002.

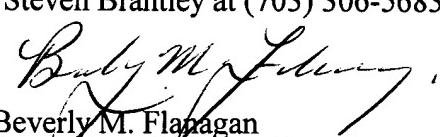
In view of the above, the petition is **granted**. The copy of the drawings submitted with the petition will be used for examination purposes.

The petition fee of \$130 will not be refunded since the petition was required to accord the application the requested filing date.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 22, 2002, using the application papers filed on January 22, 2002, and the copy of the drawings filed on March 21, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
Charles Steven Brantley  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

  
Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy